

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 28, 2021

Lyle W. Cayce  
Clerk

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No. 19-60415  
Summary Calendar

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ROSA MARIA NAVARRETE-LOPEZ,

*Petitioner,*

*versus*

MERRICK GARLAND, U.S. ATTORNEY GENERAL,

*Respondent.*

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A098 042 434

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ON REMAND FROM  
THE SUPREME COURT OF THE UNITED STATES  
Before CLEMENT, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Rosa Maria Navarrete-Lopez petitioned for review of an October 20, 2017, Board of Immigration Appeals (“BIA”) decision denying her motion

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 19-60415

to reopen. The court denied her petition, holding that, *inter alia*, her claim—that the stop-time rule of 8 U.S.C. § 1229(d)(1)(A) never triggered—was meritless. Navarrete-Lopez petitioned for a writ of certiorari, and, following the Supreme Court’s holding in *Niz-Chavez v. Garland*, 141 S. Ct. 1474 (2021), the Court granted, vacated, and remanded for further consideration.

Navarrete-Lopez received a notice to appear that failed to list the date and time of the removal hearing. She then received a corrective notice of hearing. The BIA concluded that this process was sufficient to trigger the stop-time rule. But *Niz-Chavez* prohibits the use of such a two-step process to trigger the stop-time rule. *See Niz-Chavez*, 141 S. Ct. at 1480 (holding that to trigger the stop-time rule, the government must serve “‘a’ single document containing the required information, not a mishmash of pieces with some assembly required”). Navarrete-Lopez’ petition is therefore granted as to the stop-time issue and denied in all other respects for the reasons laid out in our prior order.<sup>1</sup>

IT IS ORDERED that the petition for review is GRANTED IN PART and the matter is hereby REMANDED to the BIA.

IT IS FURTHER ORDERED that the petition is DENIED on the remaining grounds.

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<sup>1</sup> *Niz-Chavez* does not affect our jurisdictional holding. *See Maniar v. Garland*, 998 F.3d 235, 242 n.2 (5th Cir. 2021).